

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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IN RE NICKELODEON CONSUMER  
PRIVACY LITIGATION

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THIS DOCUMENT RELATES TO: THE  
CONSOLIDATION ACTION

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**MDL No. 2443 (SRC)**

**Civil Action No. 12-07829**

**Civil Action No. 13-03755**

**Civil Action No. 13-03729**

**Civil Action No. 13-03757**

**Civil Action No. 13-03731**

**Civil Action No. 13-03756**

**ORDER**

**CHESLER**, District Judge

This matter having come before the Court upon the motions to dismiss the Master Consolidated Class Action Complaint, filed by Defendants Viacom Inc. and Google Inc. (“Viacom” and “Google” and, collectively “Defendants”) pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) [Docket Entries 43 & 44]; and Plaintiffs have opposed the motions [Docket Entry 52]; and the Court having opted to rule on the papers submitted, and without oral argument, pursuant to Federal Rule of Civil Procedure 78; and for the reasons expressed in the Opinion filed herewith; and good cause shown,

**IT IS** on this 2<sup>nd</sup> day of July, 2014,

**ORDERED** that Defendants’ motions to dismiss [Docket Entries 43 & 44] be and hereby are **GRANTED**; and it is further

**ORDERED** that Counts II, IV, and VII, for violation of the federal Wiretap Act, violation of the California Invasion of Privacy Act, and common law unjust enrichment, be and hereby are **DISMISSED WITH PREJUDICE** as to both Defendants; and it is further

**ORDERED** that Count III, brought against Google for violation of the federal Stored Communications Act, be and hereby is **DISMISSED WITH PREJUDICE**; and it is further

**ORDERED** that Count I, for violation of the federal Video Protection and Privacy Act, be and hereby is **DISMISSED WITH PREJUDICE** as to Google, and **DISMISSED WITHOUT PREJUDICE** as to Viacom; and it is further

**ORDERED** that Counts V and VI, for violation of the New Jersey Computer Related Offenses Act and common law invasion of privacy, be and hereby are **DISMISSED WITHOUT PREJUDICE** as to both Defendants; and it is further

**ORDERED** that Plaintiffs shall have leave to file an Amended Master Consolidated Class Action Complaint within forty-five (45) days of this Order.

s/ Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge